ATTORNEY'S DOCKET NUMBER: 0654101-0018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Lackie, et al.	Examiner:
Serial Number:	10/690,711	Art Unit:
Filed:	October 22, 2003	
For:	SOLID PHASE ASSAY FOR DETECTION OF LIGANDS	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed are the following documents:

1. Form PTO-1449 (4 pages);
2. Information Disclosure Statement (4 pages);
3. Cited Art (10); and
4. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

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Dated: 1/15/2004

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Title:	SOLID PHASE ASSAY FOR DETECTION OF LIGANDS		

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STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

[X] An *original* Information Disclosure Statement; or

[ ] A *supplemental* Information Disclosure Statement.

Certificate of Mailing
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date _____ Signature _____

Sandra Saccocia
Typed or Printed Name of person signing certificate

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

[X] Pursuant to 37 CFR § 1.97(b); no fee or certification is required:

[ ] Within three months of the filing date of a national application other than a continued prosecution application under § **1.53(d)**;

[ ] Within three months of the date of entry of the national stage as set forth in **§ 1.491** in an international application;

[X] Before the mailing of a first Office action on the merits; or

[ ] Before the mailing of a first Office action after the filing of a request for continued examination under § **1.114**.

[ ] Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § **1.113**, a notice of allowance under § **1.311**, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:

[ ] Certifies that *either*:

[ ] each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

[ ] That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making

reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § **1.56(c)** more than three months prior to the filing of the information disclosure statement.; or

[ ] Includes herewith the fee set forth in § **1.17(p)**.

[ ] Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § **1.113**, a notice of allowance under § **1.311**, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

[ ] Certifies that *either*:

[ ] each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

[ ] That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § **1.56(c)** more than three months prior to the filing of the information disclosure statement.; and

[ ] Includes herewith the fee set forth in § **1.17(p)**.

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

[ ] A copy of each cited reference not indicated with an asterisk is included;

[X] Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status
08/277,225	July 18, 1994	Abandoned

[ ] Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

[ ] Does not contain non-English language citations;

[ ] Does contain non-English language citations, of which the following is a concise explanation:

[ ] Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in **§ 1.56**(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and

3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: 1/16/2004

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Registration Number: 39,223

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FORM PTO-1449 (REV. 8-83) U.S. Department of Commerce Patent and Trademark Office **INFORMATION DISCLOSURE STATEMENT** (*Use several sheets if necessary*)	Atty. Docket: 0654101-0018	In Re Application No.: 10/690,711
	Applicant: Lackie, et al.	
	Filing Date: October 22, 2003	Group:

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	*1,716,321	Pearson	June 4, 1929		
	*2,798,718	Gross	July 9, 1957		
	*3,002,092	Cary	September 26, 1961		
	*3,025,142	Williams	March 13, 1962		
	*3,492,396	Dalton, et al.	January 27, 1970		
	*3,600,063	Bowen	August 17, 1971		
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	*4,115,535	Giaever	September 19, 1978		
	*4,153,675	Klelnerman	May 8, 1979		
	*4,173,392	Ekinaka, et al.	November 6, 1979		
	*4,200,690	Root et al.	April 29, 1980		
	*4,202,665	Wenz et al.	May 13, 1980		
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	*4,714,345	Schrader	December 22, 1987		
	*4,720,465	Jensen et al.	January 19, 1988		
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	*5,120,643	Ching et al.	June 9, 1992		
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	*5,372,783	Lackie	December 13, 1994		
	*5,554,340	Lackie	September 10, 1996		

U.S. PATENT APPLICATIONS

Examiner's Initials:	Serial Number:	Applicant:	Publication Date:	Group:	Art Unit:

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	*PCT Search Report	PCT	30 May 1995		
	*EP 0206077	EP	09 June 1986		
	*EP 0317286	EP	November 16, 1988		
	*EP 0404258	EP	20 June 1989		
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	*WO 90/07380	PCT	July 12, 1990		
	*WO 93/14403	PCT	22 July 1993		
	*WO 94/03104	PCT	February 17, 1994		

OTHER DOCUMENTS

FORM PTO-1449 (REV. 8-83) U.S. Department of Commerce Patent and Trademark Office **INFORMATION DISCLOSURE STATEMENT** (*Use several sheets if necessary*)	Atty. Docket: 0654101-0018	In Re Application No.: 10/690,711
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	Filing Date: October 22, 2003	Group:

Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)
	*Dill, et al., "Antibody-Antigen Binding Constancts Determined in Solution-Phase with the Threshold Membrane-Capture System: Binding Constant for Anti-Fluorescein, Anti-Saxitoxin, and Anti-Ricin Antibodies", *Anal. Biochem.* **217**: 128, 1994.
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	*Freytag, et al., "A Highly Sensitive Affinity-Column-Mediated Immunometric Assay, as Exemplified by Digoxin", *Clin. Chem.* **30**(3): 417-420, 1984.
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	*Gunaratna, et al., "Noncompetitive Flow Injection Immunoassay for a Hapten, α-(Difluoromethyl)ornithine." *Anal. Chem.*, **65**: 1152-1157, 1993.
	Hernando, et al., "An On-Line Immunoassay Method for Theophylline Using a Protein A Immunoreactor", *Journal of Pharmaceutical& Biomedical Analysis*", **9**(10-12): 1121-1123, 1991.
	*Hudson, "Infrared Systems Engineering", Wiley-Interscience, 1969.
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	Liu, et al., "Flow Injection Solid-Phase Chemiluminescent Immunoassay Using a Membrane-Based Reactor", *Analytical Chem.*, **63**(7): 656-659, 1991.
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	*Sato et al., "A Novel Method for Isolating Specific Endocytic Vesicles Using Very Fine Ferrite Particles Coated with Biological Ligands and the High-Gradient Magnetic Separation Technique", *J. Biochem.*. **100**: 1481, 1986.
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EXAMINER	**DATE CONSIDERED**

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.